(1)

Single Bench

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH

AT BILASPUR

W. P. (S) NO.6361 OF 2006

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

PETITIONER : Jawaram Banjare S/o Shri Vishram Banjare aged about - 40 years, R/o village- Gudrukala Post officeKaitha,Police Station Jaijaipur, Distt Janjgir-Champa (C.G.)

P.R. No. 631/06
Presented by Shri D. Sharma
dated 13-11-06

VERSUS

RESPONDENTS :

1. State of Chhattisgarh through the Secretary, Dapartment of Adim Jati Kalyan , Raipur (Chhattisgarh)

2. The assistant commissiner , adivasi vikas, Jashpur, Distt - Jashpur (C.G.)

3. The Collector, District- Jashpur (C. G.)

APARNA MALVIYA CG/2073/96 13/11/06

RECEIVED COPY 13/11/06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT (S), ORDER (S), DIRECTION (S) ETC.

XI-HC-78

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P(S) 6361 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5.12.2006:

Shri Dharmesh Shrivastava counsel for the petitioner.
Shri Somesh Bajaj GA appears for the respondents on advance copy.

The petitioner has filed this petition challenging the order of Annexure P-1 dated 27.9.2006 whereby the petitioner who is Assistant Teacher in Primary School Durgapara has been posted at Primary School Sulesa in the same Bagicha block.

Learned counsel for the petitioner submits that the above order is contrary to the transfer policy of the State Government vide Annexure P-2 as according to the said transfer policy all the transfers are to be effected within 1.6.2006 to 30.6.2006. He further submits that his school going children are studying in the schools situated at the present place of posting and the mid session transfer may cause inconvenience to him as also to his school going children. He submits that in the garb of managing the teaching in the block, the petitioner has been transferred to a distant place though in the same block and in the aforesaid circumstances the order impugned should be quashed.

I have heard counsel for the petitioner.

The petitioner has admitted that he is posted in the present place of posting for last 7-8 years and he has now been posted within the same block.

From perusal of the order impugned it is apparent that because of administrative exigency the petitioner has been posted at Sulesa within the same Bagicha block. Thus considering the fact that the petitioner is posted at the

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (26)

मामला क्रमांक WP(S) 6361 सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

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	present place of posting for last 7-8 years and that the transfer is an incident of service, this Court is of the opinion that the impugned order does not call for any interference. In view of above, there is no force in the petition and the same is accordingly dismissed. Consequently MWP No. 4672/2006 for interim relief stands disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.